

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JERMAL BABB,

Plaintiff,

- against -

CITY OF NEW YORK, et al.,

Defendants.  
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**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

09 Civ. 0116 (BMC)(VVP)

No objection to the March 30, 2010 Report and Recommendation of the Magistrate Judge has been filed. Nonetheless, the Court has reviewed the submissions on defendants' motion to dismiss together with Judge Pohorelsky's Report and Recommendation. Finding no error, the Court adopts the Report and Recommendation in full.

Accordingly, defendants' motion to dismiss the unserved individual defendants is GRANTED pursuant to Fed. R. Civ. P. 4(m).<sup>1</sup> Defendants' motion to dismiss the claims against the served defendants is DENIED. The Court imposes a \$50 sanction on plaintiff for the reasons stated in the Report and Recommendation. Failure to pay that sanction to the Clerk of the Court within 14 days shall result in dismissal of this action.

All deadlines imposed by Judge Pohorelsky remain unchanged.

**O ORDERED.**

/Signed by Judge Brian M. Cogan/  
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U.S.D.J.

Dated: Brooklyn, New York  
April 20, 2010

<sup>1</sup> The individual unserved defendants are Kenneth Fung, David O'Connell, Mark Jablonski and Richard Pignatelli. The Clerk is directed to terminate these defendants from the docket.